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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-sixth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 August 1994, at 3 p.m.

Chairman: Mrs. Attah
later: Mr. Boutkevitch

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GE.94-13570 (E)

The meeting was called to order at 3.15 p.m.

CONTEMPORARY FORMS OF SLAVERY (agenda item 16) (continued)
(E/CN.4/Sub.2/1994/33, 34 and 41)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH;

(b) HUMAN RIGHTS AND DISABILITY (agenda item 17) (continued)
(E/CN.4/Sub.2 (1994/35)

1. Mr. GREENWALD (International League for Human Rights) drew the attention of the Sub-Commission to the continued existence in many countries of forced labour, which was unquestionably a form of slavery. One country of which his organization had acquired considerable knowledge was Myanmar, where civilians were routinely pressed into service as porters for the army in the country's continuing civil war and forced to work in the most inhuman conditions. Forced labour was also widely used by the ruling military junta for various development projects. Such practices were by no means unique to Myanmar and were indeed commonplace in areas affected by civil war. His organization urged the Sub-Commission to describe the practice as a violation of the international law on the prohibition of slavery.

2. Another matter of profound concern was the persistence of the practice of abducting and selling people into slavery in countries such as the Sudan. There had been numerous reports from that country of cases where Government security forces and militias involved in the civil war had abducted Nuba women and children and sold them into slavery.

3. In conclusion, he urged the Sub-Commission to continue its efforts to combat slavery in all its forms, whether traditional or modern.

4. Mrs. PALLEY, replying to points raised by Mr. Lindgren Alves, pointed out that, although no formal treaty body existed for the slavery conventions, the Working Group served as a de facto treaty body which monitored their implementation, covered both ratifying and non-ratifying States and examined the wide range of topics covered by the 1926 Slavery Convention, the 1956 Supplementary Convention, and the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The de facto status of the Working Group as a jurisdictional body had been repeatedly endorsed by the Commission on Human Rights and the Economic and Social Council.

5. It was regrettable that so many States had not signed or ratified the slavery conventions. The 1993 Vienna Conference had expressed the hope that all human rights conventions would be ratified by the year 2000. As a result, the Working Group had informally taken up the matter of non-ratification with the States concerned and had found that the 1949 Convention was not acceptable in some modern societies where a permissive attitude to sexual

matters prevailed. Non-ratification of the 1956 Convention was even more serious, since without it there would be little protection against child delivery for exploitation, which was not covered by international law.

6. Another difficulty had been the inability of the Working Group to act as an effective implementing body for the slavery conventions. A senior Secretariat official had proposed the establishment by the Commission on Human Rights of an expert working group on contemporary forms of slavery. It had been subsequently made clear that such a move would mean the abolition of the existing Sub-Commission Working Group. However, despite the criticisms which had been levelled at its working methods, there were distinct advantages in maintaining the Sub-Commission Group. It had become a "mini-parliament", attended by representatives of many NGOs and Governments. It had provided the evidence and impetus to the ILO to take up the matter of bonded and child labour in South Asian countries, which had led to major reforms in legislation in that area.

7. If the Working Group were abolished, item 16 of the Sub-Commission's agenda would probably disappear and items 17 (a) and 17 (b) would probably be less fully debated. It had a unique role in relation to the dissemination by the media of material likely to diminish respect for women, and had alerted the Sub-Commission to developments in the important human rights areas it covered. While improvements might be made to the Group's working methods, such as enhancing the level of cooperation with Governments, there was already in fact a high level of informal cooperation of that kind.

8. Despite those advantages, some people still believed that a Commission working group would have more expertise than the Sub-Commission body. Even if that were so, a Commission working group monitoring the slavery conventions would probably not cover non-ratifying States, nor would it cover the wide range of subjects dealt with by the existing Group and a major human rights safeguard would be lost. Furthermore, a Commission working group would not convene as frequently and would not have the features of a "mini-parliament", and the Commission would not have the time to debate the working group's report in sufficient depth. Another disadvantage of a Commission working group would be the difficulty faced by the smaller NGOs in putting their views across.

9. Budgetary policy had been at the heart of the apparent choice between a Commission working group and a Sub-Commission working group. The existing Group might conceivably be abolished and not replaced on the grounds that slavery had disappeared, that the 1949 Convention was out of date and that the functions of the Working Group might better be covered by other bodies.

10. As for the specific point raised by Mr. Lindgren Alves regarding the Special Rapporteur on the sale of children, child prostitution and child pornography it should be borne in mind that the post had been created at the Working Group's insistence and that special rapporteurs compiled their reports in their own time and without pay. They could not replace the broad mandate of the Working Group and the Special Rapporteur had, in fact, welcomed the proposed strengthening of the Working Group's mandate.

11. Many States did not want a working group on minorities or even the Working Group on Indigenous Peoples. It seemed entirely possible that the mandate of the Sub-Commission might be gradually reduced and eventually confined to residual standard-setting debates, as certain critics desired, if it did not take adequate steps to guard its working groups.

12. With regard to its overall procedures, she urged the Sub-Commission to accept the Working Group's recommendations and to regard the matter of priorities as settled in the new agenda, which focused far more on persons subjected to forced labour and other forms of exploitation and less on prostitution.

13. A very important substantive issue was that of compensation for the so-called "comfort women" and slave labourers in South-East Asia during the Second World War. The victims had, in many cases, suffered permanent psychological damage and thus continuing violation of their rights. The World Conference on Human Rights had expressly rejected the view that compensation should be paid only in cases of current violations. Persons working in slave labour camps near Nagasaki and Hiroshima at the time the atomic bombs were dropped had received no compensation, although Japanese citizens with the same fall-out problems had been compensated. While the prosecution of individuals responsible for violations was not desirable, it was to be hoped that the Japanese authorities would show generosity in providing proper compensation to the individuals who had endured forced labour and prostitution in its former occupied territories during the Second World War, rather than hide behind legalistic arguments in an attempt to avoid doing so.

14. Mr. ZHONG Shukong commended the work done by the Sub-Commission in protecting the human rights of women, children and the disabled. He suggested that, in the light of the Vienna Declaration and Programme of Action which had emphasized the interdependence of democracy, development and human rights, the Sub-Commission should focus on the need to achieve greater integration of the protection of human rights with the promotion of economic and social development. A substantial proportion of the world's population, especially in the developing countries lived in extreme poverty which meant in many cases that their most basic right to life was threatened. Equitable economic and social development was crucial to the promotion of basic human rights.

15. With regard to the protection of the human rights of children, there were three specific areas which had been emphasized in the Vienna Declaration and to which the Sub-Commission should pay particular attention in its future work. First, there was the need to promote respect for the rights of the child to survival, protection, development and participation (para. 45 of the Vienna Declaration). Secondly, States were urged to give particular priority to reducing infant and maternal mortality rates, reducing malnutrition and illiteracy and improving access to safe drinking water and basic education (para. 47). The importance of adequate education, with an emphasis on the inculcation of sound moral values, in helping children to develop into tolerant and far-sighted citizens, could not be exaggerated. Thirdly, all States should combat the exploitation and abuse of children and tackle the root causes of such exploitation (para. 48). In that connection, the country

reports submitted to the Committee on the Rights of the Child by all the Member States of the United Nations should also be made available to the Sub-Commission.

16. As far as the human rights of disabled persons were concerned, two points needed the continuing attention of the Sub-Commission as a follow-up to the 1993 World Conference on Human Rights. First, all States Members of the United Nations should ensure that disabled persons had the rights to life, welfare, education and work and should adopt or adjust legislation to secure access to those and other rights. Secondly, persons with disabilities should be guaranteed equal opportunity through the elimination of all physical, financial, social or psychological barriers that excluded or restricted their full participation in society.

17. Those two points were crucial for the protection and promotion of the human rights of the disabled, but their implementation was an arduous task requiring joint national efforts by the Government, society and the disabled persons themselves, as well as international cooperation. In developing countries, the assurance of equal rights for disabled persons had to be integrated into national and social development programmes and to be implemented in the light of country-specific conditions.

18. China had approximately 70 million disabled persons. The Government, society and the families of the disabled were making joint efforts to secure their right to life and work. The Government was providing special subsidies or pensions for workers injured or maimed in accidents at the workplace, technical training for disabled persons capable of doing work suited to their physical condition, and income tax exemption for disabled pedlars capable of moving about in wheelchairs or on crutches and for disabled owners of small street stalls.

19. Society, through neighbourhood committees or local branches of the Association of Disabled Persons, arranged frequent visits to the home or dormitory of the disabled and provided social services free of charge, including the delivery of food and food grains, the repair of family utilities and arranging doctors' visits. Disabled persons cultivated the spirit of self-respect, self-confidence and self-reliance and actively participated in economic, political and social activities in so far as their physical condition permitted. At election times, ballot boxes were transported to their residences if they were incapable of moving about.

20. In approximately four weeks' time, an athletics meeting of disabled persons of the Far East and South Pacific was due to open in Beijing. He had been deeply impressed by the enthusiasm and admirable spirit with which disabled athletes from all over China had trained in the past year with a view to qualifying as representatives of their respective provinces. Videotapes of such preparatory training had been broadcast on local and nation-wide television. More important still, the spirit with which disabled athletes were defying hardship had instilled a new confidence in the millions of disabled persons throughout China and had won the admiration and support of the people in general. Given such a lofty spirit, and with the support of the

Government and society at large, equal rights for disabled persons could be achieved step by step as the nation's economic and social development progressed further.

21. All that went to show that, if the rights to life, nutrition and education for children and the rights to life, work and welfare for the disabled or the minorities were to be secured, a proper material basis was indispensable; that depended primarily on the progress of a country's socio-economic development. Consequently, it was vital to associate more closely the protection of human rights with the promotion of socio-economic development, especially in developing countries, which accounted for over 75 per cent of the human race but for less than 20 per cent of the world's GNP.

22. Mrs. KOUFA said that, as the Executive Director of UNICEF had stated, the plight of imprisoned children everywhere represented a dramatic human problem which demanded the urgent attention of a caring world. Nevertheless, the misfortune and immense suffering of imprisoned children had not yet aroused the necessary pity and reaction of the international community. While the international will to enforce and reinforce the rights of the child had grown over the years, encompassing the legal coverage of a whole range of human rights and even developing the protection of children in new areas, the plight of children incarcerated as criminals with adults remained largely unacknowledged and neglected.

23. The imprisonment of children with adults occurred everywhere in the world. Whether they were street children, homeless, beggars or street vendors, truants or "uncontrollable" and "unruly", child refugees or illegal immigrants, suspected delinquents, hostages in states of siege, prisoners of war or political internees, the incarceration of children with adults for whatever length of time had catastrophic physical and moral effects on their existence and development. Physical and sexual abuse by adult inmates and prison staff was both frequent and severe. Psychological trauma, physical and emotional helplessness, neglect, malnutrition, untreated physical and mental illness, suicide, and integration into a criminal way of life appeared to be among the most prevalent consequences.

24. Even children that remained unhurt or unmolested usually ended up twice as tough as when they had entered prison. The very desperation which had driven them to unlawful acts and the social marginalization which they already suffered were reinforced by their imprisonment. Instead of being reformed, they left prison even less able to cope with the outside world than before, and most of them would return to prison in later life.

25. Those victimized young people had a profound need of care, protection and understanding rather than further alienation, deprivation and stigmatization. They required support rather than punishment and, above all, recognition of their special status as children. Their undeniable rights as children that were recognized in the home, in the community and even in the workplace must also be recognized when misfortune placed them in prison.

26. International law spelt out the rights of children and the respective obligations of States to protect them in that very area where they were jeopardized most. The Convention on the Rights of the Child not only provided for the inherent right to life of every child and for the obligation of States to ensure to the maximum extent the child's survival and development: it also required that, when courts, welfare institutions or administrative authorities dealt with children, the child's best interests should be a primary consideration; that States should protect children from physical or mental harm and neglect, including sexual abuse or exploitation; that children were entitled to the highest attainable standard of health; that life imprisonment should not be imposed for offences committed before the age of 18; that children in detention should be separated from adults and must not be tortured or suffer cruel or degrading treatment; that children who had suffered maltreatment, neglect or detention should receive appropriate treatment or training for recovery and rehabilitation; and that children involved in infringements of the criminal law should be treated in a way which promoted their sense of dignity and worth and aimed at reintegrating them into society. The relevant rights and obligations were also stipulated in other important human rights instruments.

27. The urgent need for international action to protect the rights of imprisoned children was manifest, since all over the world their situation constituted one of the most flagrant violations of international human rights law. The matter had already been raised in the Sub-Commission but no specific action had been taken, probably for lack of time.

28. In drawing the Sub-Commission's attention to the issue once again, she referred in particular to Commission on Human Rights resolutions 1994/91, 1994/92 and 1994/93, with a view to proposing that the Special Rapporteur on the sale of children, child prostitution and child pornography, should be invited to examine also, in depth, the subject of "children in prison" and to include his conclusions and recommendations in his next report and that the Committee on the Rights of the Child and other relevant treaty monitoring bodies, as well as UNICEF, UNESCO, ILO, WHO and INTERPOL, Governments and intergovernmental and non-governmental organizations should be requested to pay particular attention to the subject. If those proposals met with the agreement of her colleagues, she was more than willing to consult with them on the eventual submission of a draft resolution for possible adoption by the Sub-Commission.

29. Mr. Boutkevitch took the Chair.

30. Mr. Joon Hee LEE (Observer for the Republic of Korea) said that the Korean people remained deeply concerned about the sexual enslavement of women by the Japanese authorities during the Second World War. His Government had repeatedly requested that the "comfort women" issue should be thoroughly investigated by the Japanese Government so that it might provide a history lesson, since gaining a clear understanding of past wrongs was critical for learning the lessons that history could provide and for avoiding a repetition of the same mistakes. It was desirable that the Sub-Commission should give due attention to the "comfort women" issue, because violations of women's rights had emerged as one of the main human rights concerns of the international community.

31. The ministerial statement by the Japanese Government in August 1993, in which it acknowledged Japan's role in the comfort women affair, was a positive step forward. His Government and the Korean people would continue to watch carefully for any follow-up measures by the Japanese Government and to see whether they were in line with that statement and were truly directed at concrete action reflecting Japan's apology. His Government would also pay great attention to the efforts being made by various groups in the Republic of Korea and to United Nations initiatives to ascertain the truth and draw the attention of the international community to such an important question.

32. Since enforced prostitution still remained a matter of great concern in the contemporary world, he reiterated the wish of both his Government and the Korean people that the Sub-Commission should continue to pay great attention to the matter, including the comfort women issue.

33. Mr. AN Myung Hun (Observer for the Democratic People's Republic of Korea), after expressing his Government's special appreciation of the activities of the Working Group on Contemporary Forms of Slavery, said that timely and thorough acknowledgement of crimes against humanity committed in the past was becoming ever more urgent owing to the danger that they might be repeated. A Government which did not recognize crimes committed by its predecessor Government was, in essence, considered to be the Government that had actually committed those crimes.

34. In Japan, which was trying to win favour in other ccuntries by means of economic and financial contributions and to climb to a position of political power on the international stage, human rights were being openly violated as in the days of the old Imperial Japan. The human rights of Koreans in Japan were being violated in a very dangerous and organized form. The Japanese police had attacked, without any legal basis, the headquarters of the General Association of Korean Residents in Japan at Osaka on 25 April 1994 and another headquarters at Kyoto on 6 June 1994, as well as the houses of Koreans living in Japan. The Osaka headquarters was a small building where a few full-time officials carried out their daily work, but it had been raided by 1,400 policemen. That fact alone sufficed to show the extent of Japan's suppression of the human rights of other nations. It was reminiscent of the prelude to the Kanto earthquake incident of 1923.

35. The 800,000 Koreans currently residing in Japan were the survivors and descendants of the 6 million Koreans who had been forcibly transferred to Japan at the time of Japanese colonial rule, with whose sweat, blood and corpses a large part of the foundations of the Japanese economy had been built. Currently, under Japanese law, Korean schoolchildren were obliged to pay more when using the railways and roads which their forefathers had constructed without receiving any payment. Korean women in Japan were not permitted to wear the long, pleated skirts which constituted their national costume and were attacked if they did so. In 1994 alone, 160 such incidents had occurred.

36. All that was being done under the direction, or with the acquiescence, of the Japanese Government. It was no exaggeration to state that the idea that other nations could not be treated equally was still alive in Japan, which still harboured its old ambitions. For example, on 3 May 1994, the then

Minister of Justice had claimed that the Pacific War had not been a war of aggression and that the Nanking massacre in China in 1937 was a "fiction".

37. The contemporary forms of slavery and the phenomena of neo-nazism and neo-militarism were rooted in the past. Consequently, the Sub-Commission, at its current session, should pay greater attention to the acknowledgement of past crimes and deal more seriously with their current and future manifestations. His delegation hoped that all countries, regardless of their distance from Japan, would join together in nipping in the bud a further calamity that could be imposed upon mankind.

38. Mrs. CARRIZOSA de LÓPEZ (Observer for Colombia) said that her Government wished to repeat the clarification it had sent to the Centre for Human Rights in connection with the use made, as an illustration of trafficking in human organs, of the apparent evidence presented in a documentary, based on the work of a journalist, Marie Monique Robin, shown on international television and in a nearby room during the fiftieth session of the Commission on Human Rights. The allegation related to supposed irregularities in the attention given to the child Weinis Jeison Cruz Vargas by public institutions which were accused of extracting the child's eyes.

39. The government inquiry into the matter revealed that the Cruz Vargas child, according to the clinical records of the institution in which he had been hospitalized, had not been operated upon. He had received only medical treatment for his eyes, but the severe ocular infection from which he had been suffering had caused the perforation of the corneas, leading to a total loss of vision. The child's mother, Mrs. Luz Dary Vargas, had received from the journalist the sum of 40,000 pesos for the version which she had given of her child's life. The journalist had not visited any of the health institutions where the child had been cared for and had consulted neither any of the professionals who had treated the child nor the clinical records.

40. The alleged irregularities could have been quickly and simply clarified if the journalist had investigated the matter in a professional way. The report, which her Government was making available to the Sub-Commission's experts and to all interested persons, established when, how and where the child had lost his sight. The report had been distributed to the members of the Working Group and sent to the Centre for Human Rights in February 1994.

41. Her delegation reiterated its surprise that communications and evidence submitted by a Government in respect of such a serious accusation had not been taken into account and that work of a poor professional standard was still being used as evidence. The relevant complaint had been made to the Government of France.

42. Mr. CHAKRAVARTI (Observer for India) said that his country's Constitution had been deliberately framed to provide for affirmative action in favour of those who could not exercise their human rights unaided. There were constitutional safeguards to ensure that the socially and economically deprived were effectively represented in the legislatures as well as in public services. Over the years, measured steps had been taken to create special

commissions and institutions to promote greater awareness and to safeguard the well-being of religious minorities and the weaker sections of society and to secure justice for them.

43. His Government recognized that child labour was a real problem in India. It was generally acknowledged that family poverty and child labour were closely intertwined and that action should be taken to combat harmful child labour and its exploitation. His Government was tackling the problem in a multidisciplinary manner. The employment of children under the age of 14 years in hazardous occupations was prohibited and children's working conditions were regulated. Whenever required, action was taken to prohibit the employment of children of any age in unsuitable occupations.

44. Since legislation alone was not sufficient to solve the problem, a National Policy on Child Labour had been formulated in 1987. The aim was to provide education, vocational training, supplementary nutrition and health care through special schools. In 1993/94, there had been a 90 per cent increase in financial allocations for child labour projects as compared with 1992/93.

45. Cooperation with the NGOs was an essential part of the Government's approach. India was actively participating in the international Programme of Action for the Elimination of the Exploitation of Child Labour. Some 60 projects in 15 States, covering 34,000 children, had been initiated at a total cost of US$ 1.8 million.

46. Inspections to enforce legislative provisions for the protection of working children had been intensified. Significant court decisions were being used to train inspectors in the successful prosecution of cases, since the enforcement of the provisions of the Child Labour Act of 1986 depended on judicial decisions. The All-India Carpet Manufacturers' Association had itself launched an awareness campaign, warning loom owners and weavers not to employ child artisans under the age of 14 years. As a result, a number of working children below that age had returned to their homes.

47. The assertion that the perpetuation of poverty was primarily due to child employment was a simplistic one. In the family-based industries in particular children were not working to the detriment of their parents but simply to augment the subsistence level of the entire family. That was especially true in agriculture.

48. Mixing international trade with the question of child labour was a mistake, since the use of trade as an instrument of coercion would merely exacerbate the poverty in which such problems were rooted. Over the years, the Indian judiciary had taken the lead in its judgments against social evils rooted in poverty by responding to public petitions, while the Indian press had never been known for its reticence on any issue of social concern.

49. The so-called practice of untouchability had had its origin in an ancient division of labour. Indeed, all early societies had had their hierarchies and caste systems of one kind or another. In India, the caste system in its primitive form had been based on occupational stratification, and movement from one caste to another had been possible. In that framework, caste had

served a useful purpose as a social insurance system. In the course of time, however, the caste system, had become rigid and had developed unfortunate distortions. Movement from one caste to another had become difficult if not impossible, and reprehensible practices like untouchability had come into being. Colonial regimes had also played a role by freezing the natural evolution of society.

50. During the freedom struggle and after independence, political and social leaders had given the highest priority to the abolition of social ills such as untouchability, and that spirit had been enshrined in the Constitution, article 17 of which abolished untouchability. The sections of society which had been affected by the practice had been recognized as the Scheduled Castes, and special provisions had been to promote their rights and interests.

51. The under-representation of the Scheduled Castes in any sector was constantly monitored by Parliament. Members of those communities had held, and were holding, the highest posts in the State and Government. Direct empowerment had been facilitated by reserving constituencies to the national and State legislatures for members of the Scheduled Castes.

52. Moreover, the Protection of Civil Rights Act had made the practice of untouchability in any form a criminal offence, followed by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. A National Commission for Scheduled Castes and Scheduled Tribes had been constituted and given statutory powers to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and to act as a civil court for inquiring into complaints.

53. A large number of poverty alleviation and development programmes were being implemented with a view to strengthening the economic and social status of the most vulnerable sections of society. They included literacy programmes, scholarships, employment-generation schemes, job training and accelerated promotions. The cumulative target of all those measures was to enhance the social status and receptive capacity of the most vulnerable and disadvantaged sections of society, and to provide a mechanism by which their rights could be effectively protected. While it might take some time to attain those goals, there was a demonstrable national will to do so.

54. India, although a poor country, was unswervingly committed to fundamental human rights. However, countries like India required a massive social and economic transformation to conquer the ancient scourges of poverty, ignorance and social prejudice. To be durable, such changes had to be based on the free consent of the people that was provided by a democracy. In fact, only sustained and equitable development in a democratic political framework could promote a culture of tolerance and peaceful resolution of social and economic differences.

55. Mr. van REENEN (Observer for the Netherlands) said that he had read with great interest the report of the Working Group on Contemporary Forms of Slavery, and in particular the paragraph and recommendation on the issue of establishing an effective mechanism for the monitoring of the slavery convention. He welcomed the fact that the Chairman/Rapporteur of the Working Group had emphasized the need for the Sub-Commission to adopt a position on

the issue in the light of the relevant Commission on Human Rights resolution. He also welcomed Mrs. Palley's in-depth analysis of the matter. The Working Group's proposal that the existing Working Group should be retained and its mandate strengthened appeared to be a suitable and workable approach. He was also sympathetic to Anti-Slavery International's proposal, supported by six other NGOs, that arrangements should be made to improve the continuity of membership of the Working Group.

56. Mr. MAXIM said that he wished to thank all those who had expressed appreciation for the work and report of the Working Group and had made comments which shed further light on its mandate. He welcomed the positive reaction to the issue of the mechanism to be established for the implementation of the slavery conventions, Mrs. Palley's comments being particularly relevant.

57. There had been some confusion at the Working Group's previous session and during discussions with the Secretariat and others, he had received the impression that what was being contemplated was the establishment of yet another working group which would be larger and have a strengthened mandate. The confusion had, however, made it possible to discuss the issues concerning the mechanism in a manner which should lead to a further strengthening of the Working Group. The Commission, the Economic and Social Council and the General Assembly would, of course, have to endorse the proposed broadening of the Working Group's mandate and it would then be possible for the Working Group to engage in a dialogue with States whereby it could obtain the kind of information the Sub-Commission needed. It was especially important that there should be continuity in the work of the Working Group.

58. The Working Group had received no complaints from the public concerning, for example, the number of children on the street or the number of young girls who turned to prostitution. Such a lack of protest was curious and might indicate a lack of interest on the part of the public; the Sub-Commission might wish to look into that matter.

59. Ms. WARZAZI said she would like to draw attention to an initiative which the Working Group had taken at its recent session. In the past, the Secretariat had compiled, an annual list of States that had ratified the slavery conventions. At its recent session, the Working Group had concluded that it would be a more useful exercise to produce a list of those States which had not ratified the conventions, so that the Working Group could try to identify the reasons therefor. Such reasons might include a lack of interest, shortage of time or lack of the necessary resources, human or material.

60. The Working Group had therefore informed the States that it was ready to pursue consultations with them on a friendly basis and in a constructive spirit regarding the reasons for non-ratification. It had not yet received any replies. She would therefore like the Secretariat to send a short note to non-ratifying States saying that the Working Group was ready to discuss the matter with them. In that way, it was to be hoped that additional information would be available to the Working Group at its next session so that it would in a position to develop a better understanding of the problem.

61. Mr. SANDERS (International Lesbian and Gay Association) said that the past year had been a very good one for lesbian and gay visibility. At the national level, lesbian and gay pride parades had taken place in all major cities in Western States and the media had regularly reported them. In 1993 and 1994, public lesbian and gay parades had been held for the first time in South Africa, the Philippines, Japan and New Zealand. In February 1994, the fourteenth annual lesbian and gay Mardi Gras parade, held at Sydney, had been televised nationally by the Australian Broadcasting Corporation for the first time.

62. On 30 May 1994, 150 lesbians and gay men from 12 countries had held a remembrance service at Jerusalem's Hall of Remembrance to pay tribute to lesbian and gay victims of the Holocaust. In December 1994, for the first time, there would be national lesbian and gay conferences in India and a lesbian and gay film festival in New Delhi. In Switzerland a national committee had been circulating a petition, signed by almost 40,000 residents, for submission to the Government on issues of lesbian and gay rights.

63. At the regional level, there had also been developments on lesbian and gay visibility involving participation in CSCE meetings at Warsaw and Amsterdam. The most important event of the year had been the celebrations in New York City in June commemorating the twenty-fifth anniversary of the Stonewall riots which had marked the beginning of the modern lesbian and gay liberation movements. Activities had included the fourth Gay Games, a march on the United Nations and the International Lesbian and Gay Association's world conference. Speakers from around the world had spoken at the rally. The New York Public Library, the Museum of the City of New York and the New York Museum of the Performing Arts had had special exhibits on lesbian and gay themes.

64. In 1994, the United Nations Human Rights Committee had given its first ruling in favour of lesbian and gay human rights in the matter of Toonen v. Australia.

65. Ms. BOUVIER (Minority Rights Group) said that her organization had, in cooperation with UNICEF, recently published a new report on education rights and minorities which linked the rights of minorities to the key elements of the rights of children. She proposed that the Sub-Commission should play a strategic role in the United Nations system by interlinking United Nations bodies and agencies in the protection of education rights and minority children.

66. The joint report, the purpose of which was to provide the background for the protection and promotion of the rights of minorities, described differentiations of education systems by wealth, attainment, gender, behaviour, special need, location, attendance, religion, language, curricula, nationality, age, contact and by race/ethnicity. It explored the relevant international standards, including the human right to education and instruments making specific references to minorities.

67. The report emphasized that the enjoyment of human rights was an essential prerequisite; that was obvious in such horrific situations as those in Rwanda and Bosnia but also where abject poverty or lack of concern forced young

children to go to work, jeopardizing their future and probably their own children's future. Other social and economic factors also affected educational and cultural development. For instance, Zimbabwe had made enormous progress in providing secondary school education since its independence in the 1980s; that had been crucial in redressing the inherited injustices in a society that had previously discriminated against the black community. In Mauritius education was free at all levels, and Mauritius was often acclaimed as a model multicultural society. On the other hand, the structural adjustment programmes insisted upon by the World Bank and other financial donors had often imposed a major new burden on those dependent upon the State for their education.

68. The report emphasized that language was an essential part of an individual's identity and, for minority groups, a significant part of the group's identity. While it was essential that members of minority groups should learn the major language of the State in which they lived, a child's first language was normally the best medium for learning, especially in the early stages of education. Minority language teaching was also necessary for the development of positive self-image and for children to know about their history and culture as part of a multicultural State. The report identified the damage done when States failed to provide mother-tongue education, as in the cases of the Kurdish community in Turkey and the Bangladeshi community in the United Kingdom.

69. The report reflected on the fact that State-provided education belonged in the public domain, while religion could belong to both the public and the private domain. If the religions of minorities belonged to the private domain alone, they might become low in status and be regarded as inferior in education and in society. Failure to provide education rights for minorities and to build multiculturalism into the educational system had often led to discrimination and might lead to conflict.

70. Her organization recommended that the Sub-Commission should prepare specific programmes of action to work in new ways with the treaty bodies, special rapporteurs and specialized agencies for the exchange of information and advice on promoting the educational rights of minorities and positive attitudes between the various communities.

71. Mrs. Attah resumed the Chair.

72. Ms. MANN (World Organization against Torture) said that her organization had been interested in the rights of the child since the outset of its operations and welcomed the fact that, with 155 States parties at the end of 1993, the Convention on the Rights of the Child had become the most universal of the human rights instruments. Nevertheless violations of children's rights still abounded in all parts of the world. Children were the first to suffer in times of war and situations of repression and extreme poverty, and their rights were the first to go by the board during periods of structural adjustment.

73. Among the most heinous crimes perpetrated against children, all of which were expressly forbidden by the Convention were: torture, bonded labour,

detention in adult prisons, trafficking of children for pornography, sexual exploitation or commercial purposes, violations against street children and conscription of children into armed forces.

74. Children had been tortured in some of the countries that had ratified the Convention. The purpose was to put pressure on their parents to confess while other children had been forced to witness the torture of their parents and yet others had been tortured for political motives. In March 1994, her organization had raised, with the Commission on Human Rights, the case of a Colombian woman whose three children had been forced to witness her being tortured to death by members of the army in June 1993. In September 1993, the brutal torture of a number of minors by members of the Turkish army had been reported in the village of Damlatas in Turkey during a military operation.

75. Despite article 32 of the Convention, the bonded labour of children in conditions of near slavery remained a reality in many parts of the world. Very young children were being forced to work in appalling and dangerous conditions for pitiful wages, with the result that some of them were maimed or crippled for life, blinded and deprived of education and any hope of a brighter future. That was the daily lot of children in many Asian countries such as India, Nepal and Pakistan, where a conservative estimate had fixed the number of children under 14 in employment at around 10 million.

76. Conditions of detention of children in many parts of the world constituted a serious violation of their rights. In many countries such as, for example, India, Pakistan, Nepal, Peru, Colombia, Guatemala, Mauritania, Zaire, Madagascar and Mali, appropriate facilities for the detention of minors did not exist. Many were held in appalling conditions and, despite provisions in the Convention expressly forbidding it, many were held with hardened criminals in institutions for adults.

77. The trafficking of children for pornography, sexual exploitation or commercial purposes was a particularly serious problem. Reports had been received from many parts of the world concerning the sale of children for adoption, particularly from the countries of the former Soviet Union and Eastern Europe. Child prostitution was still a very serious problem, aggravated by structural adjustment programmes which had often served further to impoverish vulnerable sectors of the population, thereby forcing young girls and boys into prostitution as a means of livelihood. Such children were vulnerable to sexually transmitted diseases and those that managed to escape were often stigmatized by their families and society. Myanmar, Thailand and the Philippines presented horrifying scenarios. Child pornography, too, appeared to be on the increase.

78. The problem of the trafficking and sale of children for such purposes was an international one and required international solutions. Children were being taken across national borders and all Governments should cooperate to prevent such exploitation and transfer of children for illicit purposes or commercial gain.

79. Increased mobility and the ease of travel had meant that so-called "sex tourism" had increased over the last couple of decades. Many of the countries which were the most vulnerable to such practices did not have sufficient

legislation to combat those practices or the resources to implement such legislation as they had. Her organization was thus particularly gratified to note that a number of European States had adopted legislation to prosecute their nationals who engaged in such practices abroad. Other countries should be encouraged to adopt similar legislation.

80. Her organization urged the Sub-Commission to recommend the adoption by States of measures to assist one another in connection with criminal proceedings in such cases and to provide the necessary information and collaboration. It wished to reiterate its demand that the Special Rapporteur on the sale of children, child prostitution and child pornography should collaborate more closely with the Sub-Commission and its Working Group on Contemporary Forms of Slavery.

81. The problem of street children throughout the world was a particularly alarming one, that had been exacerbated by programmes of structural adjustment and the further impoverishment of the third world. Street children were particularly vulnerable to all forms of exploitation, sexual abuse and murder by hired assassins, who supplemented their income by ridding the streets of what was perceived as vermin. The problem was particularly acute in Latin America but also in many countries of Africa and Asia. Her organization fully supported resolution 1994/93 of the Commission on Human Rights which called on the Sub-Commission to pay particular attention to the plight of street children.

82. The problem of recruitment of children into armed forces remained very serious. There were, however, some encouraging signs that new international legislation to regulate that situation more closely was on the verge of being formulated, whereby the minimum age of recruitment would be raised from 15 to 18.

83. Mrs. SPALDING (International Association of Educators for World Peace) said the Secretary-General's report on human rights and disability (E/CN.4/Sub.2/1994/35) was most disappointing in that there was still no sign of any implementation of Mr. Despouy's recommendation that an office of ombudsman be established for persons with disabilities, a recommendation that was not even mentioned in the report. The Sub-Commission's original response to Mr. Despouy's report and its resolution requesting urgent implementation of the recommendations contained therein had been simply ignored. The Sub-Commission would, surely, not permit its work on behalf of the largest and most marginalized minority in the world, nearly 600 million people, to be snuffed out so easily. Disabilities must be placed squarely within the purview of human rights with effective means of accountability.

84. Mr. TEITELBAUM (American Association of Jurists) said that his organization profoundly deplored the proposal to limit the interventions by non-governmental organizations under agenda item 6, which would cause the Sub-Commission to lose even more of its effectiveness and credibility. The Sub-Commission should be concerned about more serious problems such as the lack of independence of some of its members.

85. Neither the Convention on the Elimination of All Forms of Discrimination Against Women nor the Convention on the Rights of the Child, which were

intended to protect the most numerous and notorious victims of human rights violations of all kinds, contained any mechanisms to allow States, individuals and non-governmental organizations to submit complaints to the respective committees or to enable those committees to play a quasi-jurisdictional role. It was urgent, therefore, that the two conventions be provided with optional protocols to facilitate such procedures, as in the case of the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination. In the case of the Convention on the Rights of the Child, such an optional protocol would be a mere statement of good intent unless it established systems of verification monitoring and investigation and procedures for submitting complaints of violations of the rights of the child.

86. Mr. XAVIER (International League for the Rights and Liberation of Peoples) said that children were the most vulnerable victims of structural adjustment and the economic measures imposed by national and international political and financial powers. There was a need to classify, within the context of fundamental and inviolable rights, economic crimes for which there could be no impunity. The prevailing ideology sought to reduce human beings to variable dependents. In "official" policy, designed for the South but subject to the same logic of adjustment for the North, there was a tendency to accept that humanity was doomed to be separated into classes and social levels, in a spirit of apartheid of rights. The widening gap in standards of living was reflected in the decreasing respect for basic dignity, as exemplified by the children of Brazil, who were raped and murdered; those of India, who were sold into slavery; and those of southern Europe, who were marginalized.

87. A session of the Permanent Peoples' Tribunal was to be held on the rights of children in the spring of 1995. It would begin by examining the worsening condition of children. While too many children were suffering violations of their fundamental rights even in industrialized countries, the situation was much worse in poor countries. Not all children suffered human rights violations to the same degree; the magnitude of the violations depended on different socio-economic conditions and the condition of children could not be dissociated from that of adults. Neither domestic nor international law was sufficient to remedy that situation.

88. The members of the international community with obligations concerning violations of children's human rights were the international financial institutions, because of the power they exercised over the condition of children, and the Governments of the industrialized countries, because of their power within those same financial institutions, their economic policies and their jurisdiction over transnational industry and banking.

89. Mr. KOTHARI (Habitat International Coalition) said that his organization was deeply concerned at the deterioration in children's living and housing conditions around the world and its adverse impact on their basic rights, such as the rights to health, education, a legal identity, citizenship and sometimes even the right to life. Children born in informal settlements, slums or on the pavements, where their families had no rights to land or housing, were not registered at birth, with a resultant denial of their

economic, social and cultural rights which facilitated their economic exploitation. Being deprived of a legal identity and a secure place to live, they were also more likely to be subjected to all kinds of violations, notably ill-treatment, arbitrary arrest and even extrajudicial execution.

90. His organization was particularly alarmed at the growing phenomenon of street children, whose critical situation was a very concrete example of the direct link between housing rights and the fundamental human rights. It was convinced that one of the main reasons for the growth in that phenomenon was discriminatory housing and planning policies, especially in the developing countries, which had forced people and communities out of the inner city areas to places far away from livelihood opportunities.

91. Another contributory cause was the growing phenomenon of forced evictions, the involuntary displacement of people and families from their homes and lands, for which misguided governmental development policies were often responsible. Governments were not the only initiators of forced evictions, however; in some cases, large-scale development projects, supported by international financial institutions, had also led to the displacement and uprooting of entire communities. Whatever the source, forced evictions led not only to impoverishment but also to the disruption of the family structure and an increase in the number of female-headed families, thus dramatically affecting the well-being and development of a great number of children.

92. Yet another cause of uprooting was the adverse impact of structural adjustment and debt policies on children's lives. It was imperative that the international financial institutions, notably the World Bank and the International Monetary Fund, should take into account the human rights dimensions of their policies.

93. The Sub-Commission should request all the specialized agencies to consider more carefully the question of children's housing rights within their mandates. UNICEF should develop reliable indicators to assess the state of children's housing rights. In addition, the Committee on the Rights of the Child should devote more attention to the issues arising from the worldwide deterioration in children's housing and living conditions and the increasing numbers of children living in poverty.

94. Mr. NEWMAN (Human Rights Advocates) said that the Sub-Commission's agenda did not identify several serious questions connected with human rights violations that caused inexcusable harm to disabled people. The Special Rapporteur assigned to monitor the General Assembly's new Standard Rules on the Equalization of Opportunities for Persons with Disabilities would not consider pertinent problems of legality. The reason was that, quite uniquely, those new rules themselves declared that they were not legal rules but hortatory only. Furthermore, the United Nations Commission for Social Development, to whom the new Special Rapporteur reported, had not traditionally dealt with legal problems of violation. As a result, there would not be the kinds of inquiry, based on the International Bill of Human Rights for example, which characterized the "violations work" done by the Commission on Human Rights and the Sub-Commission.

The meeting rose at 5.55 p.m.